

Development of Alternate Safety Compliance (ASC) Programs

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Alternate Safety Compliance (ASC)

- CGAuthAct of 2010 added a new paragraph (d) to 46 USC 4503 that requires development of an alternate safety compliance program by **Jan 1, 2020** for vessels over 50 feet in length, built before July 1, 2012 and are 25 years of age or older (and that operate beyond 3 NM of the Territorial Sea baseline)

Alternate Safety Compliance (ASC)

- CGAuthAct of 2010 requires ASC programs to be “developed in cooperation with the commercial fishing industry” and “may be developed for specific regions and fisheries.”

Alternate Safety Compliance (ASC)

- Congressional intent:
Risk-based prevention, not “inspection”

Development of an ASC Program

- Agreement on Guiding Principles
- ID the affected fisheries and fleets
- ID and quantify the specific risks within fisheries and fleets
- Prioritize efforts by riskiest fisheries and fleets
- Develop a 'spectrum' of compliance measures
- Engage the industry to determine specific compliance reqts
- Set up a monitoring/feedback mechanism

Agreement on Guiding Principles

Establish overall objectives of the program, akin to the 10 National Standards that NOAA requires all the Regional Fishery Management Councils to follow when drafting new fishery management plans:

- ASC must be relevant to specific fishery and geographic hazards, and developed to achieve reasonable and attainable risk-based objectives.

Agreement on Guiding Principles

- ASC must use meaningful, performance-based standards.
- ASC should be fit for the intended purpose, and where possible, not merely scaled-down versions of other standards.
- ASC should increase the value of the vessel, and where possible, increase the efficiency of the vessel.

Agreement on Guiding Principles

- ASC standards should be modular in organization, for ease of use by vessel owners, shipyards, naval architects, etc.
- ASC standards should allow for the consideration of new technology as providing an equivalent level of safety.
- ASC programs should allow for phased-in requirements and stepped progress toward compliance.

Agreement on Guiding Principles

- ASC programs should account for the vessel owner's accessibility to regional shipyard and drydock capacity, naval architect services, Coast Guard Examiner resources, and other geographic and marine industry infrastructure limitations.
- ASC programs should consider economic impact to both the fishery and the vessel owners.

ID affected fisheries and fleets

- Compile Federal and State fishery permit information to ID all fisheries
- Group similar fisheries together
- When completed, every FV will belong to one or more 'fleets'

ID and quantify specific risks within fisheries and fleets

- Develop a risk index for each 'fleet'
 - MISLE data
 - NIOSH data
 - Near misses
 - SAR data
 - Etc.

Prioritize efforts by riskiest fisheries and fleets

- Focus initial efforts on the highest risk 'fleets'
- Engage those 'fleets' early to establish working relationships

Develop a 'spectrum' of compliance measures

- Akin to a 'menu' of required compliance options
- Graduated from minimal efforts up to standards similar to either inspected vessel regulations or Class rules
- Can include the degree of Coast Guard involvement vice 3rd party (or self) examination... (drydocking example)

Engage the industry to determine specific compliance reqts

- Outreach to fishing associations and industry leadership
- Determine existing best practices and standards of care within 'fleets,' incl. eyes-on surveys of representative vessels
- Work with 'fleets' to select appropriate compliance measures from the compliance spectrum, using Guiding Principles

Set up a monitoring/feedback mechanism

- Each ASC should be treated as a 'living system'
- Develop a process to regularly monitor results of each specific ASC scheme
- Create continuous improvement with the industry, similar to the existing annual ACSA stakeholders meeting
- Allows lessons-learned from casualties to be incorporated into ASC schemes

The Way Forward

- Flesh out more detailed process elements
- Write a Policy Letter and/or NVIC to explain process, as well as the Coast Guard's expectations of the efforts that industry can do now to be ready for compliance
- Outreach to industry, through associations, leadership, publications, etc.
- Outreach to the surveying industry and Class Societies, to set the stage for their extensive involvement in ASC schemes